



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1704

Introduced 2/15/2013, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.1

from Ch. 111 1/2, par. 1009.1

Amends the Environmental Protection Act. Provides that if a complete application for the renewal of a Clean Air Act permit is submitted to the Illinois Environmental Protection Agency 90 or fewer days before the permit expires, then the applicant must pay a \$5,000 late-filing fee and the terms and conditions of the permit must remain in effect until final administrative action has been taken by the Agency on that application. Provides that if a complete application for the renewal of a Clean Air Act permit is submitted after the permit expires, then the Agency may allow the terms and conditions of the permit to remain in effect, and, if that authorization is granted, then the applicant must pay a \$10,000 late-filing fee.

LRB098 08398 JDS 38503 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 9.1 as follows:

6 (415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

7 Sec. 9.1. State and federal implementation of Clean Air
8 Act.

9 (a) The General Assembly finds that the federal Clean Air
10 Act, as amended, and regulations adopted pursuant thereto
11 establish complex and detailed provisions for State-federal
12 cooperation in the field of air pollution control, provide for
13 a Prevention of Significant Deterioration program to regulate
14 the issuance of preconstruction permits to insure that economic
15 growth will occur in a manner consistent with the preservation
16 of existing clean air resources, and also provide for plan
17 requirements for nonattainment areas to regulate the
18 construction, modification and operation of sources of air
19 pollution to insure that economic growth will occur in a manner
20 consistent with the goal of achieving the national ambient air
21 quality standards, and that the General Assembly cannot
22 conveniently or advantageously set forth in this Act all the
23 requirements of such federal Act or all regulations which may

1 be established thereunder.

2 It is the purpose of this Section to avoid the existence of
3 duplicative, overlapping or conflicting State and federal
4 regulatory systems.

5 (b) The provisions of Section 111 of the federal Clean Air
6 Act (42 USC 7411), as amended, relating to standards of
7 performance for new stationary sources, and Section 112 of the
8 federal Clean Air Act (42 USC 7412), as amended, relating to
9 the establishment of national emission standards for hazardous
10 air pollutants are applicable in this State and are enforceable
11 under this Act. Any such enforcement shall be stayed consistent
12 with any stay granted in any federal judicial action to review
13 such standards. Enforcement shall be consistent with the
14 results of any such judicial review.

15 (c) The Board may adopt regulations establishing permit
16 programs meeting the requirements of Sections 165 and 173 of
17 the Clean Air Act (42 USC 7475 and 42 USC 7503) as amended. The
18 Agency may adopt procedures for the administration of such
19 programs.

20 (d) No person shall:

21 (1) violate any provisions of Sections 111, 112, 165 or
22 173 of the Clean Air Act, as now or hereafter amended, or
23 federal regulations adopted pursuant thereto; or

24 (2) construct, install, modify or operate any
25 equipment, building, facility, source or installation
26 which is subject to regulation under Sections 111, 112, 165

1 or 173 of the Clean Air Act, as now or hereafter amended,
2 except in compliance with the requirements of such Sections
3 and federal regulations adopted pursuant thereto, and no
4 such action shall be undertaken (A) without a permit
5 granted by the Agency whenever a permit is required
6 pursuant to (i) this Act or Board regulations or (ii)
7 Section 111, 112, 165, or 173 of the Clean Air Act or
8 federal regulations adopted pursuant thereto or (B) in
9 violation of any conditions imposed by such permit. Any
10 denial of such a permit or any conditions imposed in such a
11 permit shall be reviewable by the Board in accordance with
12 Section 40 of this Act.

13 (e) The Board shall exempt from regulation under the State
14 Implementation Plan for ozone the volatile organic compounds
15 which have been determined by the U.S. Environmental Protection
16 Agency to be exempt from regulation under state implementation
17 plans for ozone due to negligible photochemical reactivity. In
18 accordance with subsection (b) of Section 7.2, the Board shall
19 adopt regulations identical in substance to the U.S.
20 Environmental Protection Agency exemptions or deletion of
21 exemptions published in policy statements on the control of
22 volatile organic compounds in the Federal Register by amending
23 the list of exemptions to the Board's definition of volatile
24 organic material found at 35 Ill. Adm. Code Part 211. The
25 provisions and requirements of Title VII of this Act shall not
26 apply to regulations adopted under this subsection. Section

1 5-35 of the Illinois Administrative Procedure Act, relating to
2 procedures for rulemaking, does not apply to regulations
3 adopted under this subsection. However, the Board shall provide
4 for notice, a hearing if required by the U.S. Environmental
5 Protection Agency, and public comment before adopted rules are
6 filed with the Secretary of State. The Board may consolidate
7 into a single rulemaking under this subsection all such federal
8 policy statements published in the Federal Register within a
9 period of time not to exceed 6 months.

10 (f) If a complete application for a permit renewal is
11 submitted to the Agency at least 90 days prior to expiration of
12 the permit, all of the terms and conditions of the permit shall
13 remain in effect until final administrative action has been
14 taken on the application.

15 If a complete application for a permit renewal is submitted
16 to the Agency less than 90 days prior to expiration, the
17 applicant shall pay a late filing fee in the amount of \$5,000.
18 That fee shall be deposited into the Environmental Protection
19 Permit and Inspection Fund. The terms and conditions of the
20 permit shall remain in effect until final administrative action
21 has been taken by the Agency on the application.

22 If a complete application for a permit renewal is submitted
23 after the permit expires, the Agency may allow the terms and
24 conditions of the permit to remain in effect until final
25 administrative action has been taken by the Agency. This
26 authorization, if granted by the Agency, shall become effective

1 upon payment of a \$10,000 late filing fee. That fee shall be
2 deposited into the Environmental Protection Permit and
3 Inspection Fund.

4 (Source: P.A. 97-95, eff. 7-12-11.)